REMARKS

Claims 1-71 are pending in this application and are subject to restriction under 35 U.S.C. § 121.

Restriction Requirement

In the present Office Action, restriction is required between the following groups:

Group I: Claims 1-6, 8-9, 13-34, and 64-71 drawn to compounds of formula (I) with non-heterocyclic substituents and their pharmaceutical compositions.

Group II: Claims 1-6, 8-9, 13-34, and 64-71 drawn to compounds of formula (I) with heterocyclic substituents and their pharmaceutical compositions

Group III: Claims 36-44 drawn to a method of inhibiting or treating aberrant proteolysis, thrombosis, ischemia, stroke, restenosis, or inflammation in a mammal using compounds of formula (I) with non-heterocyclic substituents.

Group IV: Claims 36-44 drawn to a method of inhibiting or treating aberrant proteolysis, thrombosis, ischemia, stroke, restenosis, or inflammation in a mammal using compounds of formula (I) with heterocyclic substituents

Group V: Claims 45-51 drawn to a medical device for use in blood collection comprising compounds of formula (I) with non-heterocyclic substituents.

Group VI: Claims 45-51 drawn to a medical device for use in blood collection comprising compounds of formula (I) with heterocyclic substituents.

Group VII: Claims 52-63 drawn to a method of inhibiting the action of a proteolytic enzyme using compounds of formula (I) with non-heterocyclic substituents.

Group VIII: Claims 52-63 drawn to a method of inhibiting the action of a proteolytic enzyme using compounds of formula (I) with heterocyclic substituents.

Applicants respectfully submit that the restriction requirement does not meet the requirements of MPEP 804 and therefore traverse the requirement for restriction and respectfully request reconsideration of the requirement itself.

According to MPEP 804, the Examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. 121. Applicants submit that it is unclear as to which compounds would fall into Groups I and II and further, that many of the exemplified compounds do not fall within either group.

Applicants' representative spoke with the Examiner on October 18, 2006 regarding the oversight in the Restriction Requirement and the Examiner suggested that Applicants respond to the Action noting the oversight and suggesting alternative ways to restrict the claims. In order to expedite prosecution of this case, Applicants are herein providing such suggestions.

Applicants request that the Office issue a new restriction requirement, grouping all of the compounds of the present application within one group or, alternatively, grouping the compounds of the present invention into two groups using R^2 as the distinguishing characteristic. New Group I would specify that R^2 is phenyl, naphthyl, or biphenyl, cycloalkyl, or bicyclic alkyl as provided in claim 1, the remainder of the substituents being as defined in claim 1; and New Group II would specify that R^2 is a 5- to 7-membered mono- or a 9- to 10-membered bicyclic heterocyclic or heteroaryl ring as provided in claim 1, the remainder of the substituents being as defined in claim 1. The compounds of examples 2, 11-13, and 18 would fall into New Group I and the compounds of examples 1, 3-10, 14-17, and 19-20 would fall into New Group II.

Applicants wish to elect as a species election, the compound of example 10, N-[2-(amidinoaminooxy)ethyl]-2-{3-[(2,2-difluoro-2-pyridylethyl)amino]-6-cyano-2-fluorophenyl}acetamide. The compound of example 10 does not fall within any of the Groups provided in the Restriction Requirement, however, in order to be responsive, Applicants elect Group II directed to heterocyclic compounds and request that this group be amended as provided herein to include the compounds of examples 1, 3-10, 14-17, and 19-20.

The foregoing represents a *bona fide* attempt to advance the present case to allowance. Applicant submits that this application is now in condition for allowance.

Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

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